IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

WP(C).No. 9963 of 2007(J)

PETITIONER:

N.THANKAPPAN, HEAD WATCHMAN,
FOOD CORPORATION OF INDIA, FSD, ARAKULAM,
IDUKKI DISTRICT, RESIDING AT OLIYARAKKAL HOUSE,
POOCHAPRA, DEVARUPARA P.O., IDUKKI DISTRICT.

BY ADV. SRI.DINESH R.SHENOY
SRI.V.V.UNNIKRISHNAN

RESPONDENTS:

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1. THE GENERAL MANAGER,
FOOD CORPORATION OF INDIA, REGIONAL OFFICE,
KESAVADASAPURAM, THIRUVANANTHAPURAM.

2. THE AREA MANAGER, FOOD CORPORATION OF
INDIA, KOTTAYAM.

3. K.M.GEORGE, HEAD WATCHMAN,
FOOD CORPORATION OF INDIA, FSD, ARAKULAM,
IDUKKI DISTRICT.

BY ADV.SMT.V.P.SEEMANTHINI, S.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.9963 OF 2007

Dated this the 3rd day of April, 2007

JUDGMENT

The petitioner has been transferred to Chingavanam. He wanted a posting in Arakulam, for which, he cited health grounds. It is apparent that the petitioner, who is now passed 57 years of age, had two incidents of cardiac trouble and surgical intervention. The impugned decision, by which the official respondents have refused relief to the petitioner by posting him in Arakulam, is rendered by giving cogent reasons and fair application of mind. It may not, therefore, be appropriate for this Court to interfere with the transfer.

2. The petitioner was transferred to the present station, viz. Chingavanam, some time in November, 2006. He did not join that station, but continued in the home station hoping that the official respondents will accept his request for posting at Arakulam. It is the clear stand of the official respondents that

there is no post of Watchman available in Arakulam station to be manned by the petitioner, because, the watch and ward duties in that station has been entrusted to other agencies. On the ground that there is only an year for the petitioner to retire, learned counsel for the petitioner states that the petitioner could have been accommodated as a Peon in Arakulam to let him tide over the situation. But in my considered view, that is no ground for the petitioner to have not joined duty in Chingavanam.

In the aforesaid circumstances, while dismissing the petitioner's challenge to the impugned order, it is directed that if the petitioner joins duty in Chingavanam, the official respondents will consider a request from him for any alternate appropriate posting, having regard to his health conditions and will also consider any request by him to be relieved from service in accordance with law.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.